2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

6 May 2010

Original: English

New York, 3-28 May 2010

The issue of non-compliance with articles I, III, IV and VI of the Treaty

Working paper submitted by the Islamic Republic of Iran

1. One of the major challenges of the Non-Proliferation Treaty is the cases of non-compliance by certain nuclear-weapon States with their obligations, which no mechanism is stipulated in the Treaty yet to address. While there is an established mechanism to verify the obligations under article III of the Treaty for non-nuclear-weapon States stipulated in the IAEA statute, no mechanism has been designed to address the non-compliance cases with other provisions of the Treaty, particularly non-compliance of nuclear-weapon States. One of the main tasks of the Review Conference is to identify such cases and to find ways and means to fully address them. In this context, the Islamic Republic of Iran would like to elaborate its views on this issue as follows.

2. The review conferences have the mandate to consider principles, objectives and ways to promote the full implementation of the Treaty, including nuclear disarmament as one of its main pillars. The Conference requires a thorough review of the implementation of provisions of the Treaty related to nuclear disarmament, non-proliferation and promotion of cooperation on the peaceful uses of nuclear energy, namely articles I, III, IV, and VI, as well as the objectives inherent in the preamble to the Treaty.

3. Dealing with the question of nuclear disarmament definitely needs a review of the unfulfilled commitments in the past and thinking of actual disarmament measures, as well as new initiatives aimed at the total elimination of nuclear weapons. In this respect, the nuclear weapon States have the basic and fundamental obligation to particularly implement such provisions aimed at creating a world completely free from the horror of nuclear weapons. It was promising that, following the end of the cold war and the termination of the East-West confrontation, some attempts were made by some nuclear-weapon States to reduce their reliance on nuclear weapons and remove the operational status of their nuclear weapons and detarget the particular States.

4. In contrast, some significant developments have served as a serious setback for the Treaty obligations with respect to nuclear disarmament. It is unfortunate that

Please recycle

there has been a tendency by some to propagate that the nuclear-weapon States do not have any legal or even political obligation under the Non-Proliferation Treaty for nuclear disarmament. One of these nuclear-weapon States once claimed that "article VI is just one sentence long". It argued that, since article VI does not refer to nuclear-weapon States, does not provide any timetable and sets no deadline for the accomplishment of nuclear disarmament, it "contains no suggestion that nuclear disarmament is to be achieved before general and complete disarmament".

5. Despite the high expectations of the international community for real change in the United States Nuclear Posture Review in a manner that removes the existing concerns on the role of nuclear weapons, the recently released nuclear doctrine of the United States has not lived up to the international community's expectations. A review of the new United States nuclear policy reveals the continuation of a disturbing trend. The continued emphasis of the new United States Nuclear Posture Review on maintaining nuclear weapons, relying on the obsolete deterrence policy, allocating several billions of dollars to the modernization of the United States arsenals, limiting the reductions of nuclear weapons to decommissioning them and, by doing so, evading the obligation to eliminate them, and raising new excuses for keeping nuclear weapons in the new Nuclear Posture Review, are clear indications of the United States policy to continue its non-compliance with its obligations under article VI.

6. There is no doubt that the decision to modernize nuclear weapons and spend billions of dollars to construct new nuclear facilities runs counter to the obligation of the nuclear-weapon States to systematically reduce their nuclear weapons and represents obvious non-compliance with article VI of the Treaty. Despite the major concerns expressed by the international community, in particular the Non-Aligned Movement, the United States has not responded to the concerns expressed over the modernization of its nuclear arsenals and has continued the construction of new installations under the pretext of securing more reliable nuclear weapons.

7. The nuclear-weapon States, moreover, should engage immediately and in good faith in substantive work for the speedy and meaningful implementation of their obligations under the Treaty, in particular article VI and their commitments under the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament and the resolution on the Middle East. Any reduction of nuclear weapons, whether strategic or non-strategic, should be in a transparent, verifiable and irreversible manner. It is a matter of concern that the reductions under the New START treaty are not internationally verifiable and thus have not removed the concerns of States parties.

8. The United States nuclear cooperation with the Zionist regime, as hard evidenced after the agreement reached during the United States Energy Secretary's visit to the occupied territories in February 2000, is in fact another aspect of violation of article I obligations by the United States, and the source of concern for all Non-Proliferation Treaty members and especially the Middle East countries, which are all members of the Treaty family. This agreement, which was claimed for peaceful purposes and nuclear cooperation between the United States and the Zionist regime, is also a clear violation of article III (2), which stipulates that cooperation of each State party to the Treaty in providing equipment or material for peaceful purposes is not possible "unless the source or special fissionable material shall be subject to the safeguards required by" the Treaty. The Zionist regime's

unsafeguarded nuclear weapons facilities and nuclear arsenal pose a real threat to all countries of the region and to international peace and security. The second agreement signed by the director of the Israeli Atomic Energy Commission and the chairman of the United States Nuclear Regulatory Commission, enabling the Zionist regime to access most of the latest nuclear data and technology available in the United States, constitutes another United States non-compliance with the provisions of the Treaty. It seems that the United States is not shy about supporting that regime's nuclear weapons programme. The disclosed "top secret document dated 23 August 1974" clearly shows the role of the United States in equipping the Zionist regime with nuclear weapons.

9. Furthermore, on the issue of nuclear sharing, the nuclear-weapon States are committed to comply with their commitment to the full implementation of article I. They should refrain from nuclear sharing, under any kind of security arrangements, among themselves, with non-nuclear-weapon States and those not parties to the Treaty.

10. The transfer of nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to the nuclear weapons capability of non-parties to the Treaty without exception and in particular to the Zionist regime, whose unsafeguarded nuclear facilities endanger security and stability in the Middle East, must be prohibited. In this regard, the Review Conference should make a clear decision to prohibit any kind of nuclear weapon sharing or cooperation between States parties with the non-parties to the Treaty. The Chemical Weapons Convention could set an example in this regard.

11. In the context of article III, the new decision of the Nuclear Suppliers Group, an exclusive and non-transparent Group which claims to have been established to strengthen the non-proliferation regime, has severely damaged the Treaty. The decision of this Group is a clear violation of paragraph 2 of article III, which stipulates that cooperation of each State party to the Treaty in providing equipment or material for peaceful purposes is not possible "unless the source or special fissionable material shall be subject to the safeguards required by" the Non-Proliferation Treaty.

12. The said decision which was taken under United States pressure, is also a violation of the commitment of nuclear-weapon States under the 1995 decision on the principles and objectives and the Final Document adopted at the 2000 Review Conference to promote the universality of the Treaty. The Nuclear Supplier Group's decision is in contravention of the obligation on the promotion of the universality of the Treaty and has seriously jeopardized its credibility and integrity. Such a decision is another manifestation of double standards and discrimination in implementing the provisions of the Treaty.

13. The United States, for a long time, has been in non-compliance with its obligations under the Treaty, which provides in its article I "not to transfer to any recipient whatsoever nuclear weapons", by transferring hundreds of nuclear weapons to certain non-nuclear-weapon States under the NATO umbrella. The United States-deployed nuclear weapons in other countries are extremely integrated into the military infrastructure of the countries hosting those weapons.

14. Joint research on nuclear warheads between two nuclear-weapon States is a matter of grave concern for non-nuclear-weapon States and represents serious non-compliance with article I of the Treaty. According to data published on 9 February 2009, the United States military has been using Great Britain's atomic weapons facility to carry out research for its own warhead programme. In this regard, the United States defence officials have declared that "very valuable" warhead research has taken place at the Atomic Weapon Establishment at Aldermaston in Berkshire as part of an ongoing and secretive deal between the British and American Governments.

15. The efforts to modernize nuclear weapons by clinging to outdated cold war arrangements and justifications raise serious questions for public opinion. Deploying hundreds of nuclear weapons in non-nuclear-weapon States and training the fighter bomber pilots of the hosting countries to prepare for handling and delivering the United States nuclear bombs against the nuclear- as well as the non-nuclear-weapon States contravene both the letter and spirit of the Non-Proliferation Treaty and constitute clear non-compliance with the Treaty by both the United States and the European Union. It is noteworthy that the new United States Nuclear Posture Review has clearly confessed the existence of such non-compliance with the Treaty and declared that the deployed nuclear weapons would remain in the European Union territories. The Review Conference cannot be indifferent to this obvious case of non-compliance. Furthermore, the danger of nuclear incidents by terrorist activities requires a viable solution to deal with such transferred weapons. This has compelled many, including parliaments in these countries, to request compliance with the Treaty obligations and the withdrawal of nuclear forces from their territories.

16. The United States and some other nuclear-weapon States are still dangerously persisting in outdated doctrines and the so-called traditional role of "deterrence". Since the first atomic bombs dropped on Hiroshima and Nagasaki in August 1945, which had a destructive power 10,000 times larger than previous explosive devices, the United States has designed and built thermonuclear bombs a thousand times more destructive than fission bombs. The continued existence of thousands of such bombs in the stockpiles of the United States and other nuclear powers has kept the fate of civilization and of humanity itself under horror and panic. By insisting on keeping nuclear bombs or merely decommissioning part of them, nuclear-weapon States themselves are the source of proliferation. As long as one nuclear-weapon State or nuclear power outside of the Treaty insists on maintaining the nuclear option, the other nuclear-weapon States will do the same, and this vicious circle will never end. Thus the non-nuclear-weapon States that have already forgone the nuclear option are rightly asking why these terrible weapons exist. Under what circumstances and for what purpose could the use or threat of use of the world's most destructive mass-terror weapons ever be justified?

17. France has also announced the addition of a new nuclear-armed ballistic missile-carrying submarine to its nuclear arsenals. The President of France is quoted as saying that "French nuclear forces are a key element in Europe's security". In defiance of its international obligations, this country is seeking to find and define new roles and missions for its nuclear forces in order to justify the continued retention of these forces in the post-cold war era. In so doing, they have even resorted to irresponsible methods such as the manipulation of intelligence and fear to promote programmes that their people would otherwise not support.

18. Furthermore, French officials recently announced that they will develop new nuclear plans to modernize nuclear arsenals and army and will spend €377 billion on this plan till 2020, which is a continued move against the Treaty regime. This development is a matter of grave concern and should be seriously addressed in the next Review Conference.

19. The decision of the United Kingdom to renew and further develop its nuclear weapons capability by approving the Trident programme, is in full contravention of article VI of the Treaty and in defiance of the unanimous decision of the 2000 Review Conference. The Trident programme can generate and in fact expand the nuclear arms race beyond the traditional rivalry between the two most powerful nuclear-weapon States and is thus a special source of concern for the international community and a clear setback in the global efforts to bolster nuclear disarmament and non-proliferation. Despite all calls by the international community and public opinion to stop this project, United Kingdom officials announced that billions of pounds would be allocated to a programme to replace Britain's Trident nuclear submarines.

20. The non-compliance with the Treaty obligations is not limited to the violations of articles I, III and VI by the United States and its allies; these States have also consistently violated the provisions of article IV of the Treaty, which provides for international cooperation and transfer of peaceful nuclear technologies to the Treaty States parties. Contrary to such obligations, the United States has been at the forefront of the imposition of unilateral restrictions against the Treaty States parties, in particular the developing countries. Such non-compliance with article IV merits thorough consideration by the Review Conference.

21. All non-nuclear-weapon States parties to the Treaty consider the pursuit and development of nuclear technology for peaceful purposes as their inalienable right, and thus can invest human and material resources in this field. Restrictions imposed by nuclear suppliers that have targeted peaceful nuclear programmes can affect the entire industry and all possible sources of supply of material and equipment of the Treaty States parties, thus seriously affecting development plans, in particular in the developing countries. Clear violations of article IX obligations by certain States by depriving States parties of the exercise of their inalienable right, as well as illegal and unilateral sanctions, are a matter of great concern to the developing countries. This issue should be followed seriously at the Conference.